

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARY ALICE NELSON ROGERS,

Plaintiff,

v.

DONNA ALLRED, et al.,

Defendants.

No. 2:21-cv-1908-JAM-KJN (PS)

ORDER

(ECF Nos. 4, 15, 18, 20, 30, 31, 32, 33, 34.)

On February 9, 2022, the magistrate judge filed findings and recommendations (ECF No. 30) which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. On February 14, 2022, plaintiff filed opposition to the motions to dismiss, which the undersigned construes as plaintiff's objections to the findings and recommendations. (ECF No. 31.) Plaintiff also filed a document on February 28 captioned "Objections to Findings and Recommendations." (ECF No. 32.) Defendants Chase and Allred filed responses to plaintiff's objections. (ECF Nos. 33, 34.) Despite the latter of plaintiff's filings being untimely, both have been considered by the court.

This court reviews de novo those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981); see also Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection

1 has been made, the court assumes its correctness and decides the matter on the applicable law.
2 See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's
3 conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d
4 452, 454 (9th Cir. 1983).

5 The court has reviewed the applicable legal standards and, good cause appearing,
6 concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly,
7 IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations (ECF No. 30) are ADOPTED IN FULL;
- 9 2. Defendants' motions to dismiss (ECF Nos. 4, 15, 18) are DENIED AS MOOT;
- 10 3. Plaintiff's claims asserted in the First Amended Complaint are DISMISSED under res
11 judicata principles, and further leave to amend (see ECF No. 20) is DENIED; and
- 12 4. The Clerk of the Court is directed to CLOSE this case

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15 DATED: March 16, 2022

/s/ John A. Mendez

16 THE HONORABLE JOHN A. MENDEZ
17 UNITED STATES DISTRICT COURT JUDGE
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